

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Annex  
4041 North Richards Street  
PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-229-0800  
FAX 414-229-0810

June 3, 1999

*File Copy*

Ms. Lucille Krapfl  
W322 N8342 Koester Road  
Hartland, WI 53209

Subject: Groundwater Use Restriction for the Lucy's Horseshoe Inn Property  
1874 State Highway 83 South  
Hartford, WI 53027  
FID # 267120920

Dear Ms. Krapfl:

The Wisconsin Department of Natural Resources has reviewed all the submitted reports and correspondence for the Lucy's Horseshoe Inn Property. Thank you for your most recent submittal, *Site Closure*, prepared by Fischer Environmental, Inc. and dated February 23, 1999 (faxed May 19, 1999). The report presented the most recent groundwater analytical data indicating that monitoring well MW-4, located on the neighboring property to the north of the site, still has petroleum constituents impacts above the Enforcement Standards (ES) in the groundwater. Also submitted was a table of the analytical results for monitoring well MW-4, showing the downward trend in concentrations indicating that the natural attenuation process is a viable remediation for this property. The underground storage tanks and the excessively contaminated, accessible soils were excavated and transported to the Orchard Ridge Recycling and Disposal Facility in Menomonee Falls, Wisconsin for off site bioremediation on October 8, 1996. Residually contaminated soil remains along the STH Highway 83 right of way and groundwater impacts on the Horseshoe Inn Property dissipated once the source was removed. Groundwater impacts in monitoring well MW-4, located on the neighboring St. Patrick's Church property, remain above the ES after several years of groundwater monitoring. Additional data supporting natural attenuation has been previously submitted. The adjacent property owners have agreed to file a groundwater use restriction so that you may obtain DNR closure for your property.

Page 2  
Lucy's Horseshoe Inn  
June 3, 1999

The Department has reviewed your case closure request and based on the documentation provided, it appears that the contamination has been actively remediated to the extent practicable under current conditions. Therefore, the Department considers the case "closed," having determined that no further action is necessary at the site at this time with the following conditions: Because of the residual groundwater contamination on the downgradient property, a deed restriction will be required to close this site. In addition, minor residual soil contamination remains in the right of way for highway STH 83, the Town of Erin and the Department of Transportation must be notified of the location of residual soil impacts. The case maybe reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare or the environment.

To complete the closure of this site, a *groundwater use restriction deed* must be filed at the county register of deeds office for the St. Patrick's Church Property parking lot, address: 1903 STH 83 South, Town of Erin, Wisconsin. The property deeds must specify the legal description of the property, the location, type and concentration of the contaminants at the time of closure (include date of last groundwater sampling) and includes the following language:

Natural Attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property. Construction of wells where water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who proposed to construct or reconstruct a potable well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property.

Please have your consultant refer to our Department Guidance on the Use of Deed and Groundwater Use Restrictions for information they may need to complete the applications of this requirement. In addition to the deed restriction, within 60 days, all of the groundwater monitoring wells at this site must be abandoned in accordance with s. NR 141.25 (1)(b), and the completed

Page 3

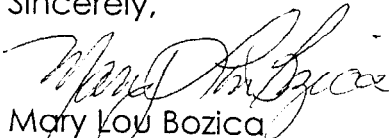
Lucy's Horseshoe Inn

June 3, 1999

abandonment forms must be submitted to the Department. Once the Department receives the abandonment forms, documentation of notification of the residual soil contamination, and documentation of recorded deed restriction, we will finalize the closure for this case in our computer system.

If you have any questions regarding this letter, please contact me at the above address or call (414) 229-0873. The Department appreciates all the efforts you have made to restore the environment.

Sincerely,



Mary Lou Bozica  
Hydrogeologist

C: SER casefile  
St. Patrick's Church's  
Timothy Anderson/Fischer Environmental  
Ken Wade/WDOT Proj. No. 1333-03-00

RECORDED  
JUNE 11, 1999 AT 08:00AM

DOROTHY C. GONNERING  
REGISTER OF DEEDS

WASHINGTON COUNTY, WI

Fee Amount: \$14.00

Document Number | GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: St. Patrick's Church Property  
1903 State Highway 83 South  
Hartford, Wisconsin 53027;

More Particularly Described as follows:

One and one-half acre of land on the Southwest corner of the West half of the Northeast quarter of Section No. Nine (9), Township No. Nine (9) North of Range No. Eighteen East; and one and one-half acre of land on the Northeast corner of the East half of the Southwest quarter of said Section; one and one half acre of land on the Northwest corner of the Northwest quarter of the Southeast quarter of said Section and one and one-half acre of land on Southeast corner of the east half of the Northwest quarter, all in Section No. Nine (9) Township No. Nine (9) North of Range Eighteen (18) East.

STATE OF WISCONSIN       )  
  ) ss  
COUNTY OF WASHINGTON )

WHEREAS, St. Patrick's Congregation Inc. is the owner of the above-described property.

Recording Area

14-3

Name and Return Address

St. Patrick's Congregation  
1903 State Highway 83 South  
Hartford, Wisconsin 53027

WHEREAS, petroleum related discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following location: Monitoring Well MW-4 with 13 ppb (parts per billion) benzene, 150 ppb naphthalene and 650 ppb xylenes as of the last sampling event, the 6<sup>th</sup> day of August, 1998. (Monitoring Well location is more specifically indicated on figure 4 map which is attached and made a part of this restriction.)

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional groundwater remediation activities on the property at the present time.

WHEREAS, a natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restriction:

Anyone who proposes to construct or restruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 9 day of June, 1999.

Signature: John J. Collins Sr.  
 Printed Name: JOHN J COLLINS SR.  
 On Behalf of St. Patrick's Congregation

Subscribed and sworn to before me  
 this 9<sup>th</sup> day of June, 1999.

Rebecca Heisdorf  
 Notary Public, State of Wisconsin REBECCA HEISDORF  
 My commission April, 20, 2003

This document was drafted by the Wisconsin Department of Natural Resources.

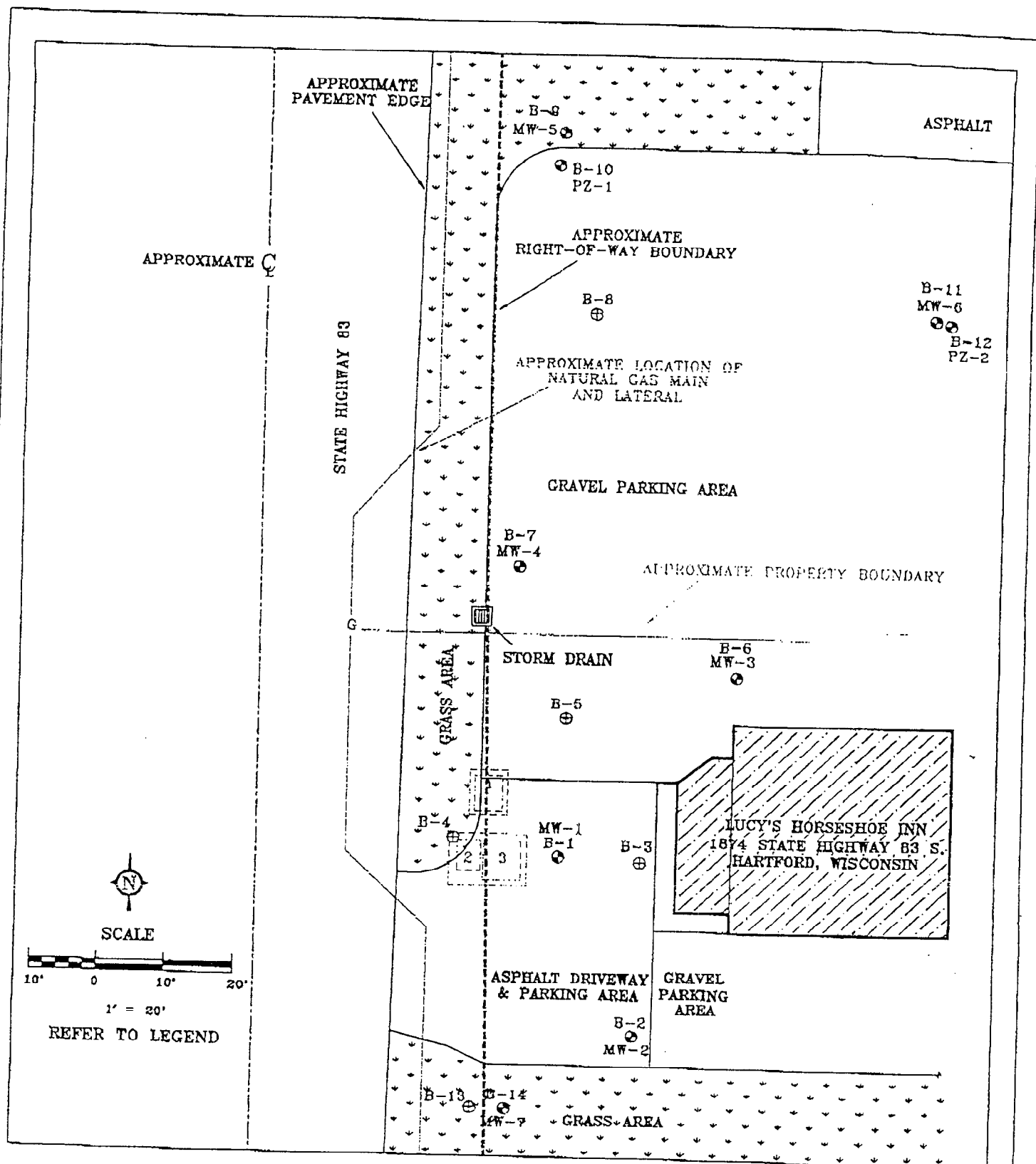
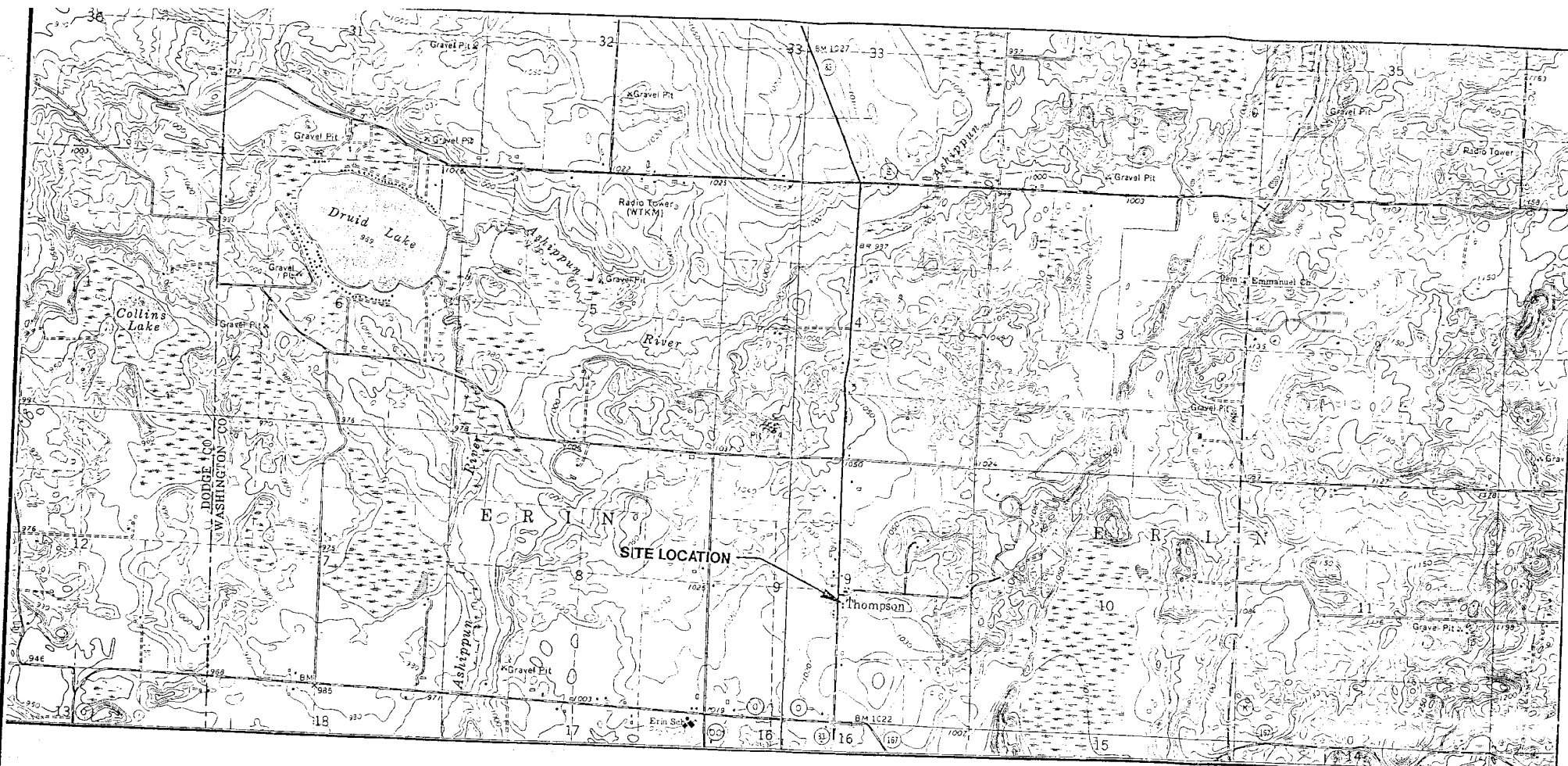


FIGURE 4: SOIL BORING AND MONITORING WELL LOCATION MAP

*Fischer*  
*Environmental, Inc.*

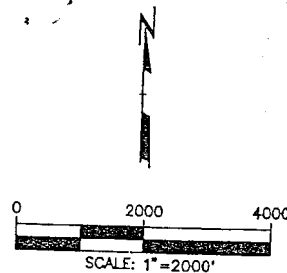
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		ENGINEER: TA	PAGE:
		CHECKED: JF	JOB NO: 84062.001
		DATE: 10/29/86	CUSTOMER: KRAPPL
		SCALE: VARIOUS	ID#: 84062.001/LH-FL0T3

LUCY'S HORSESHOE INN  
HARTFORD, WI  
SITE CLOSURE REPORT



STATE LOCATION

SOURCE: BASE MAP FROM HARTFORD EAST AND WEST  
WI. 7.5 MINUTE USGS QUADRANGLES.



SITE LOCATION MAP

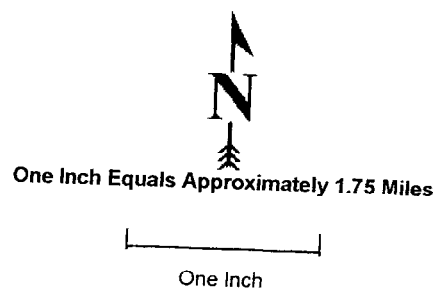
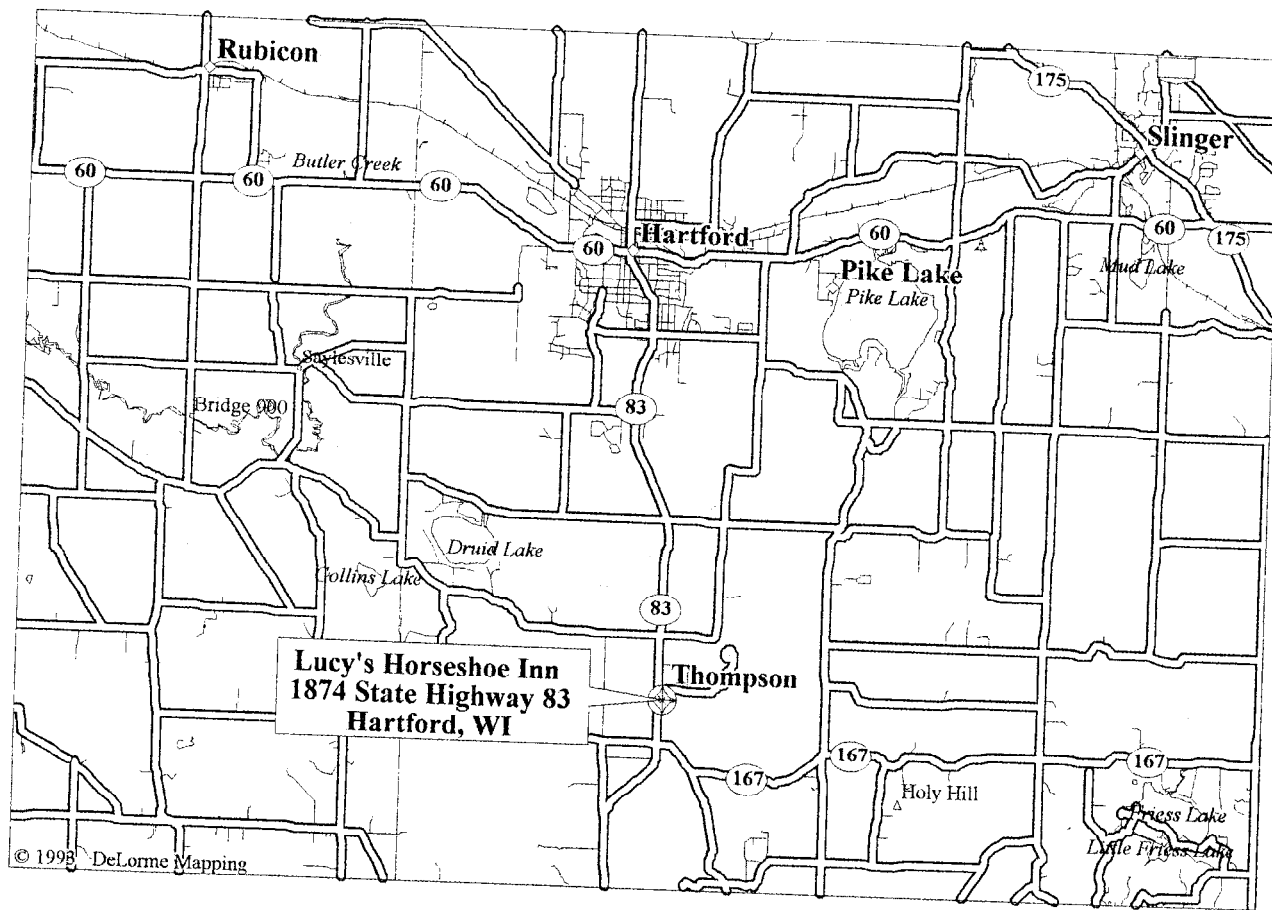
LUCY'S HORSESHOE INN  
TOWN OF ERIN, WI

	DWN. BY: WJB
	APPROVED BY:
	DATE: MARCH 1994
	PROJ. # 10527.01
	FILE # 0101

FIGURE 1

SECRET  
NO SCALE

**FIGURE 1**  
**REGIONAL SITE LOCATION MAP**





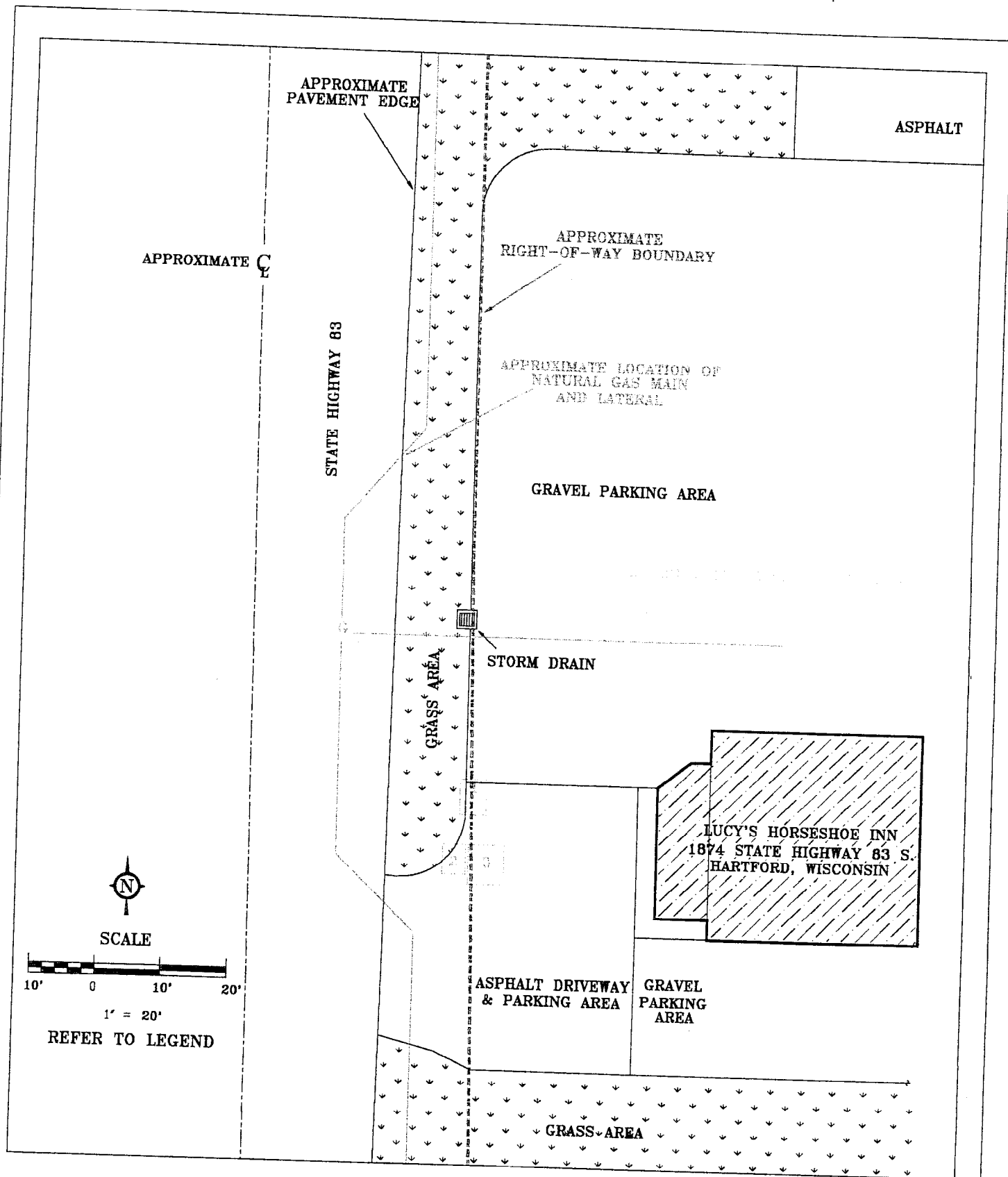


FIGURE 2: SITE PLAN MAP

*Fischer*  
*Environmental, Inc.*

P.O. BOX 3282, RICHMOND, WI 54971  
TEL: (614) 743-2200  
FAX: (614) 743-2222

DATE	BY	DRAWN BY: MLD	94082.001
		ENGINEER: TA	PAGE:
		CHECKED: JF	JOB NO: 94082.001
		DATE: 10/28/98	CUSTOMER: KRAPFL
		SCALE: VARIES	ID#: 94082.001\ LH-PLOT3

LUCY'S HORSESHOE INN  
HARTFORD, WI  
SITE CLOSURE REPORT

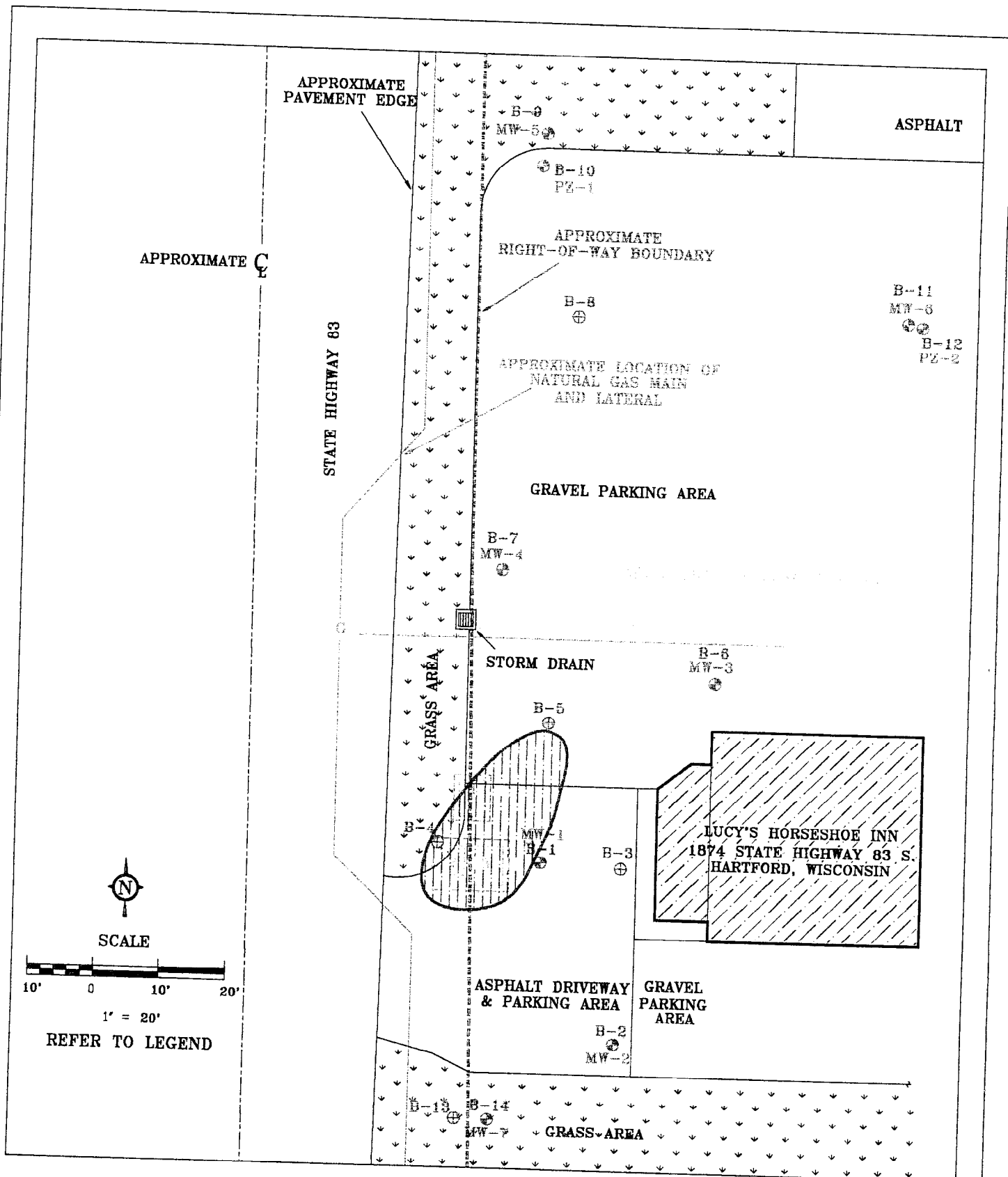


FIGURE 5: ESTIMATED AREA OF PETROLEUM AFFECTED SOIL

*Fischer*  
*Environmental, Inc.*

P.O. BOX 332, RICHMOND, WI 54971  
TEL: (414) 745-8200  
FAX: (414) 745-8229

DATE	BY	DRAWN BY: MLD	94082.001
		ENGINEER: TA	PAGE:
		CHECKED: JF	JOB NO: 94082.001
		DATE: 10/29/98	CUSTOMER: KRAPFL
		SCALE: VARIES	ID#: 94082.001\1H-PLOTS

LUCY'S HORSESHOE INN  
HARTFORD, WI  
SITE CLOSURE REPORT

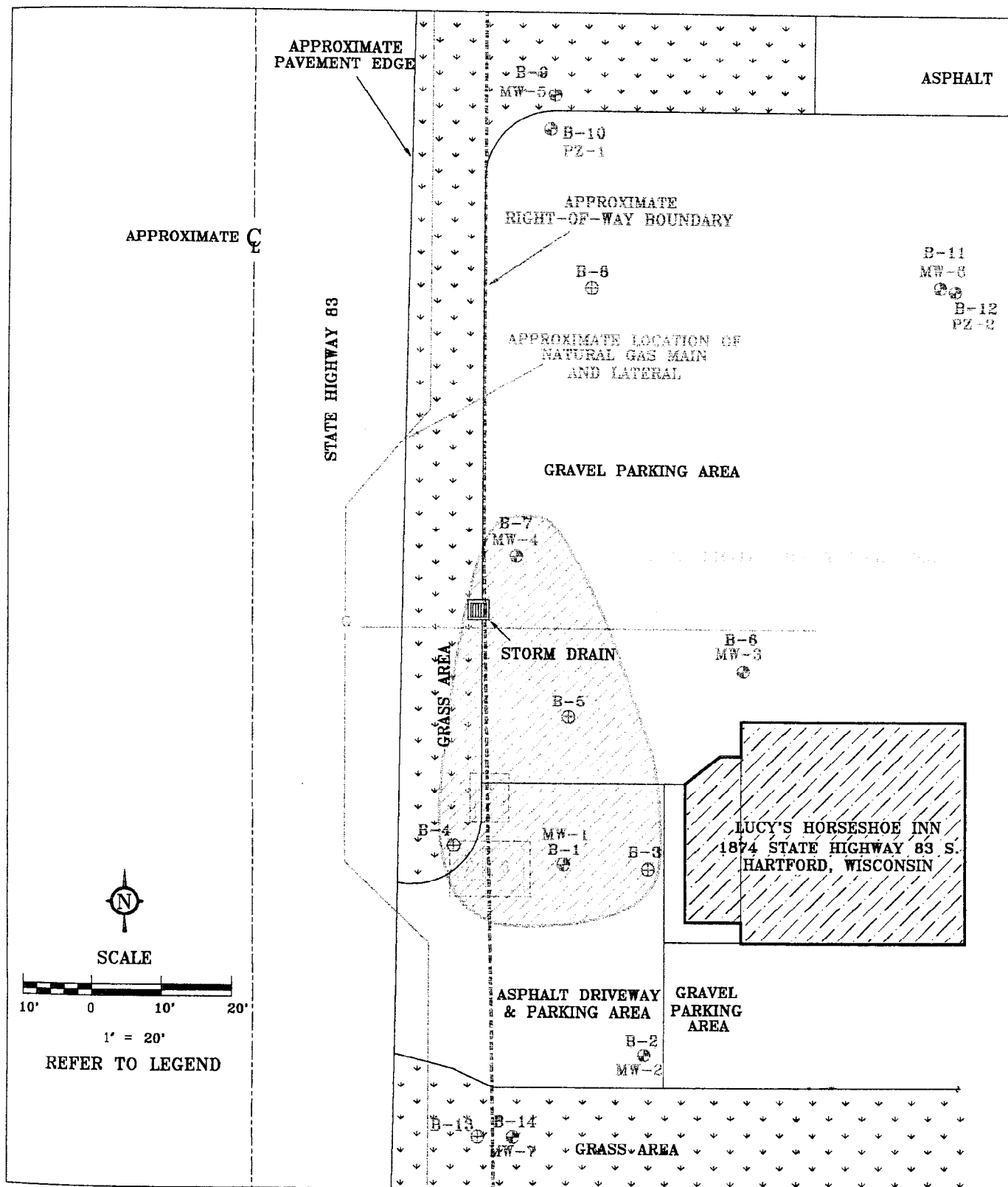


FIGURE 6: ESTIMATED AREA OF PETROLEUM AFFECTED GROUNDWATER

*Fischer*  
*Environmental, Inc.*

P.O. BOX 332, RUPON, WI 54971  
TEL. (414) 743-2220  
FAX (414) 743-2222

DATE	BY	DRAWN BY: MLD	94082.001
		ENGINEER: TA	PAGE:
		CHECKED: JF	JOB NO: 94082.001
		DATE: 10/29/98	CUSTOMER: KRAPFL
		SCALE: VARIES	ID#: 94082.001\1R-PL0TS

LUCY'S HORSESHOE INN  
HARTFORD, WI  
SITE CLOSURE REPORT

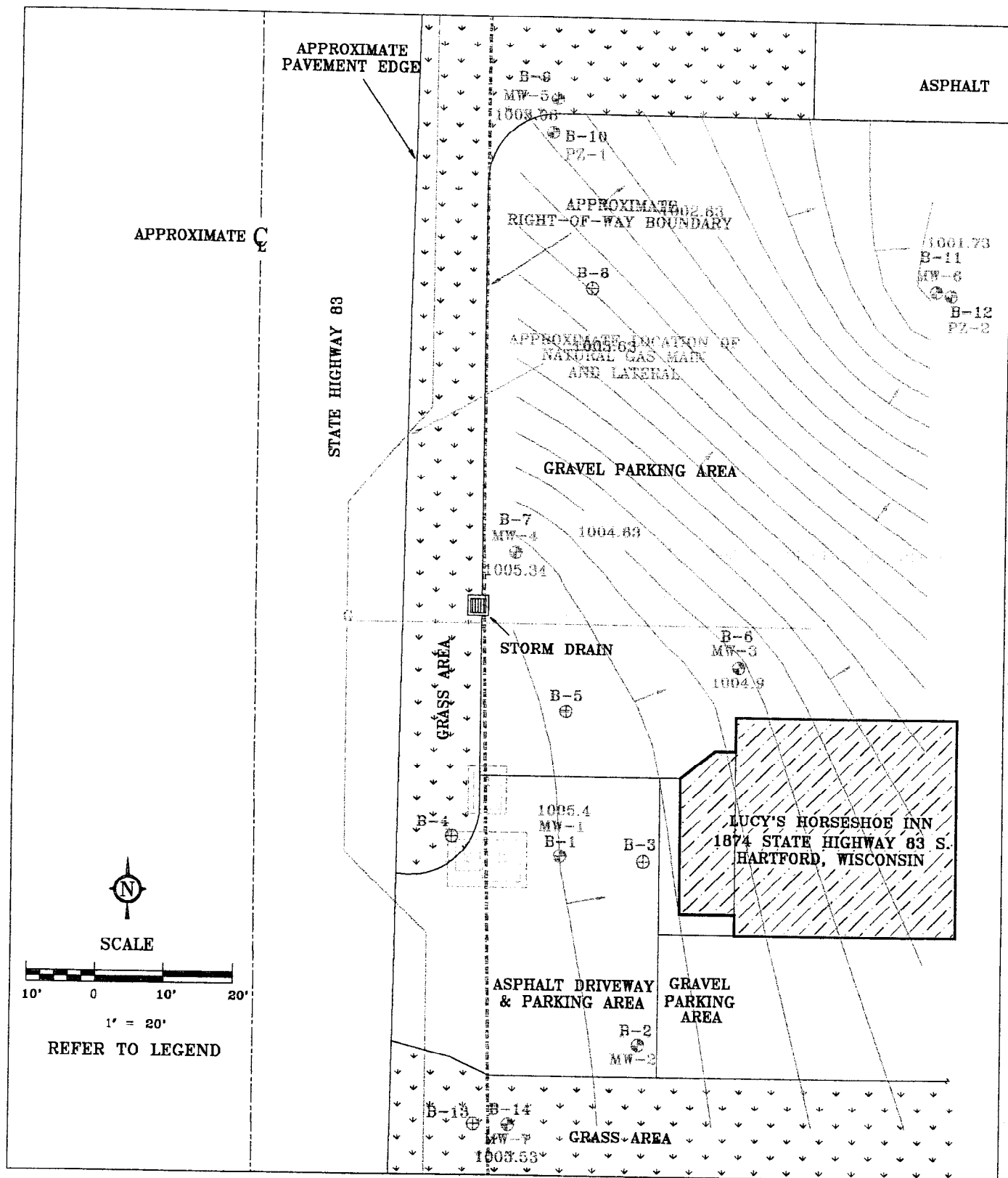


FIGURE 7: GROUNDWATER FLOW CONTOUR MAP

*Fischer*  
Environmental, Inc.

P.O. BOX 332, RIPON, WI 54971  
TEL: (414) 743-2200  
FAX: (414) 743-2222

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		ENGINEER: TA	PAGE:
		CHECKED: JF	JOB NO: 94062.001
		DATE: 10/29/98	CUSTOMER: KRAPP
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LUCY'S HORSESHOE INN  
HARTFORD, WI  
SITE CLOSURE REPORT

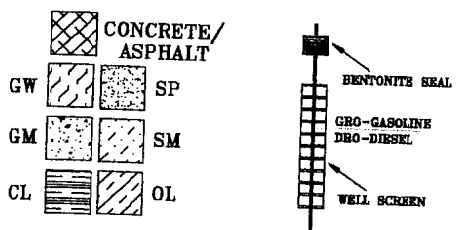
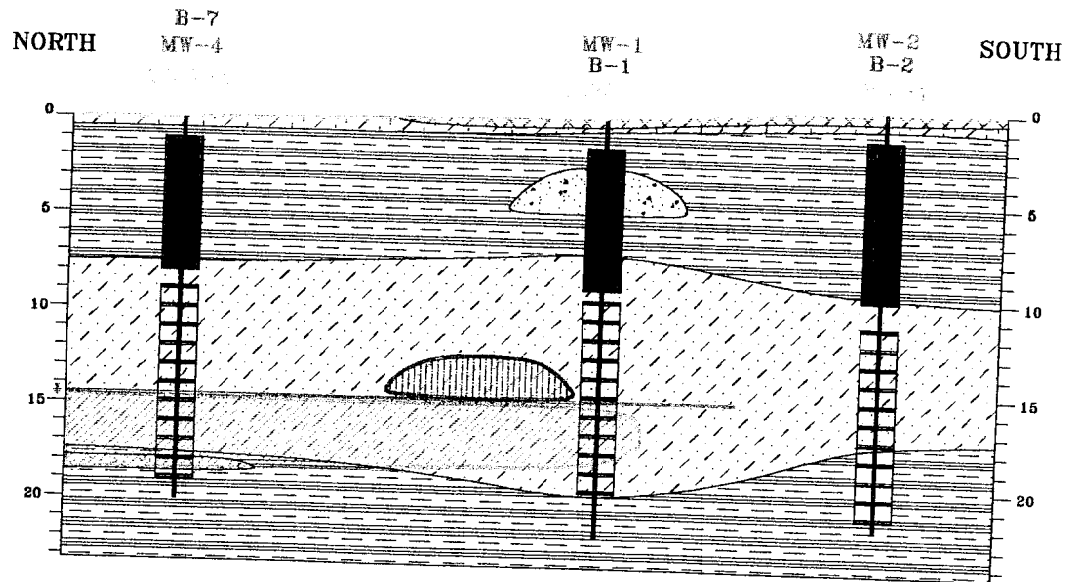
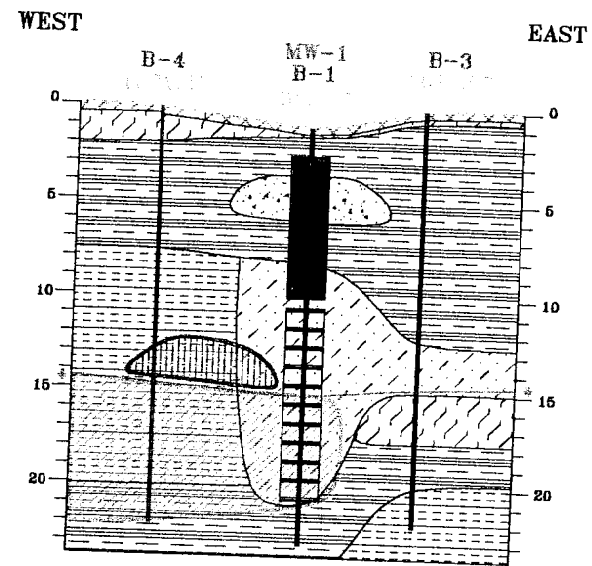
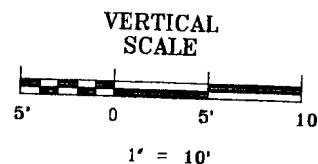
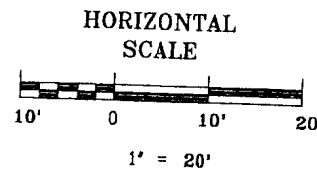
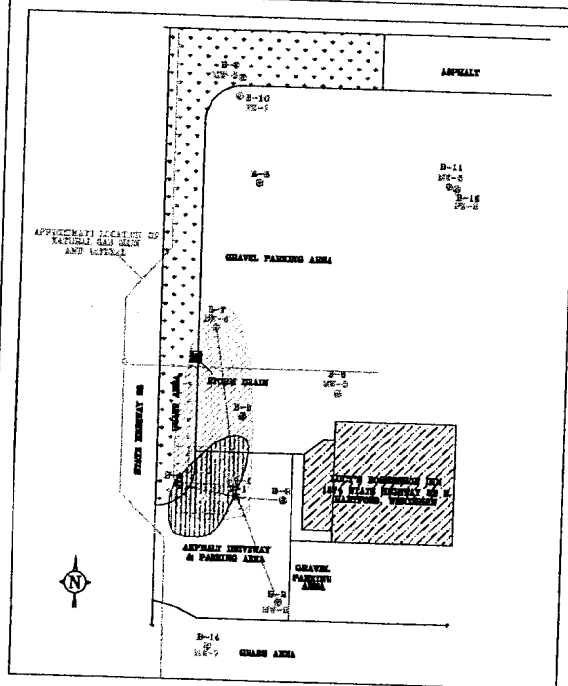


FIGURE 8: SUB-SURFACE CROSS-SECTION

Fischer  
Environmental, Inc.

P.O. BOX 552, RIPON, WI 54971  
TEL. (414) 745-2200 • FAX (414) 745-2222

DATE	REVISION	BY	DRAWN BY: MLD	94062.001
			ENGINEER: TA	PAGE:
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			DATE: 10/29/98	CUSTOMER: KRAPPL
			SCALE: VARIES	ID#: 94062.001\ LH-SECT3

LUCY'S HORSESHOE INN  
HARTFORD, WI  
SITE CLOSURE REPORT

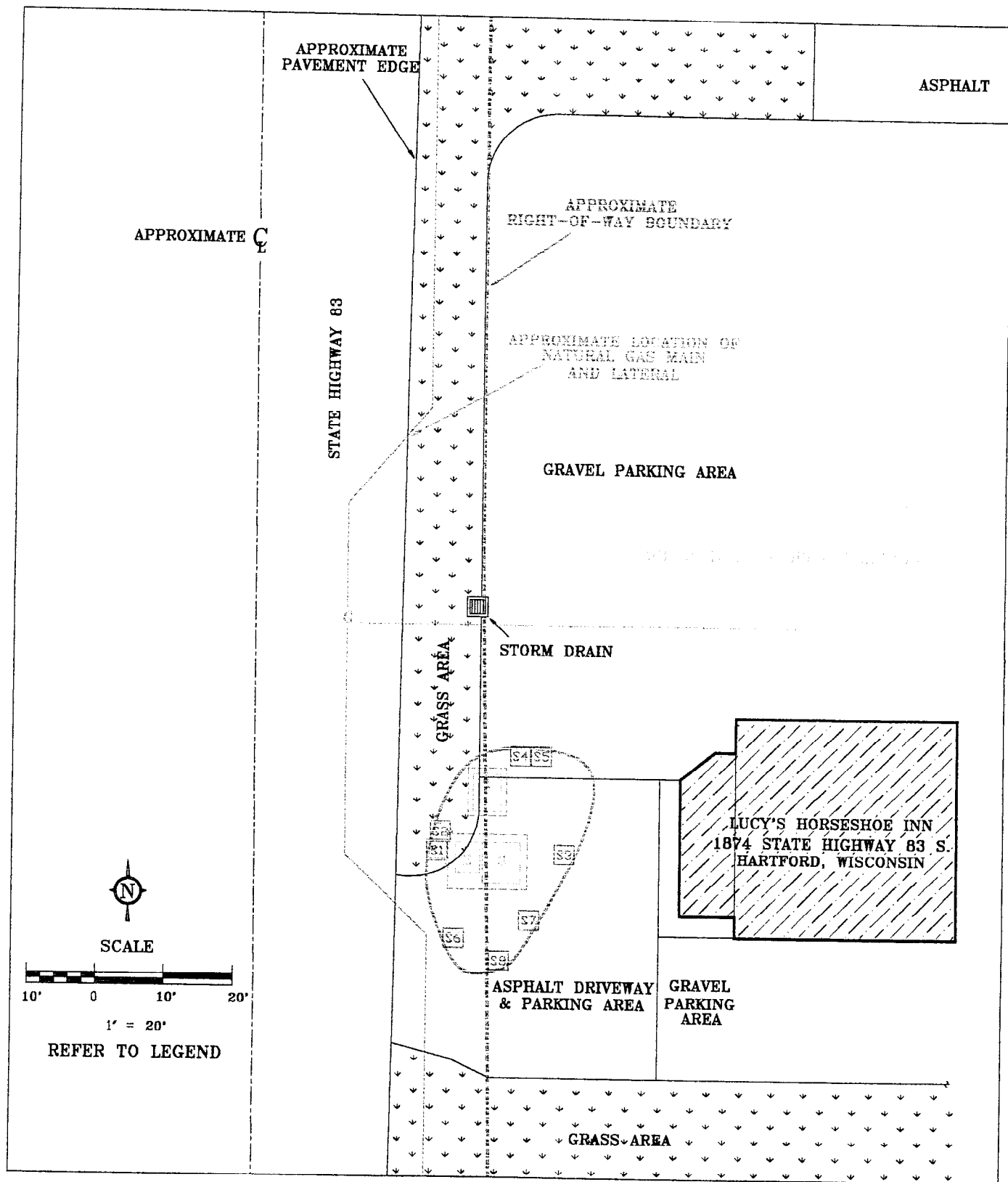


FIGURE 9: APPROXIMATE EXCAVATION LIMITS AND CLOSURE SAMPLE LOCATIONS

<b>Fischer</b> <b>Environmental, Inc.</b> P.O. BOX 332, RIPPON, WI 54971 TEL: (614) 745-2200 FAX: (614) 745-8898	DATE	BY	DRAWN BY: MLD	94062.001
			ENGINEER: TA	PAGE:
			CHECKED: JF	JOB NO: 94062.001
			DATE: 10/29/96	CUSTOMER: KRAPPF.
			SCALE: VARIES	ID#: 94062.001\1H-PLOTS
LUCY'S HORSESHOE INN HARTFORD, WI SITE CLOSURE REPORT				

TABLE 1  
GROUNDWATER ANALYTICAL RESULTS  
MW-4  
LUCY'S HORSESHOE INN

Date	4/20/95	10/4/95	10/8/96	2/26/97	5/16/97	11/3/97	8/1/97	2/11/98	5/14/98	8/6/98	ES	PAL
GRO (mg/L)	15	-	-	NA	NA	NA	NA	NA	NA	NA	-	-
Lead	15	16	-	NA	NA	NA	NA	NA	NA	NA	15	15
Benzene	34	38	20	28	18	25	14	15	6.8	13	5	0.5
n-Butylbenzene	29	28	ND	NA	NA	NA	NA	NA	NA	NA	-	-
p-Isopropyltoluene	39	ND	ND	NA	NA	NA	NA	NA	NA	NA	-	-
Ethylbenzene	1100	340	440	790	66	790	74	510	16	380	700	140
Methyl-tert-butyl-ether	ND	ND	ND	ND	ND	ND	ND	ND	ND	2.5	40	8
Sec-Butylbenzene	ND	ND	5.4	NA	NA	NA	NA	NA	NA	NA	-	-
n-Propylbenzene	94	41	78	NA	NA	NA	NA	NA	NA	NA	-	-
Isopropylbenzene	76	76	45	NA	NA	NA	NA	NA	NA	NA	-	-
Naphthalene	290	340	190	270	96	250	68	160	41	150	40	8
Toluene	480	360	150	240	37	270	27	210	83	76	343	68.6
1,2,4-Trimethylbenzene	1200	1200	660	960	300	1100	160	760	120	450	-	-
1,3,5-Trimethylbenzene	420	400	250	350	110	350	97	240	81	190	-	-
Total Xylene	4300	3800	1210	1650	720	1920	490	1400	273	650	620	124

All results expressed in Ug/L unless otherwise indicated  
 ND- Compound not detected at or above laboratory method detection limit  
 NA- Analysis for the presence of this compound not performed  
 PAL- Preventive Action Limit  
 ES- Enforcement Standard  
 Bold concentrations indicate exceedances of the ES